Superfund Program Special Account Analysis

Superfund Workload

The Denver and Montana Offices currently manage approximately 90 NPL and NPL-equivalent Superfund sites. The Superfund workload across each Office/Program in Region 8 includes work effort on proposed sites, newly listed sites, NPL-equivalent sites (or Superfund Alternative), RI/FS/RD/RA sites, post construction sites, and sites requiring more attention due to new contaminants or remedy related issues.

The Superfund program is a non-delegable program. The CERCLA statute obligates EPA to address the risk to the public and environment associated with~~of~~ exposures from hazardous substances ~~to the public and the environment.~~ The program has successfully completed cleanup work at various sites across the region and has reduced efforts at non-NPL and lower priority sites. De-listed sites often require on-going attention due to waste left in place, new contaminants and statutory five year reviews. The Superfund workload changes due to new NPL listings and initial remedial work at future (non-NPL) sites (e.g. Colorado Smelter, Columbia Falls Aluminum, Upper Animas). These sites require significant staff and extramural resources. Additionally, in late 2016 we anticipate that a national suite of Superfund contracts (Remedial Acquisition Framework) will be~~are~~ transferring to the region from Headquarters. The new suite of contracts will be work intensive for RPMs (task order administration and construction field oversight) and contract staff (competing work at the task order level). Ensuring long-term protection/stewardship of remedies through institutional controls and Operation and Maintenance is a critical component of the Superfund process. Long-term stewardship requirements also require working with communities on the re-use and redevelopment aspects of cleaned up sites. Revised Agency guidance on community involvement at sites, the national Community Engagement Initiative, and critical IG reports on community outreach have resulted in increased national community involvement service interest and has led to maintaining the accuracy of websites and other social media.

Special Account – Salary Charging Analysis

The Superfund Remedial Program, the Superfund Support Program, the Superfund Emergency Response and Preparedness Program, the Assessment and Revitalization Program, the Montana Office, the Superfund Enforcement management, and Superfund Community Involvement Unit Chief (the Program~~s~~) reviewed existing special accounts (cashout settlements and reimbursable accounts) and evaluated the potential to utilize these accounts to supplement allocated Superfund resources. Salary dollars generally represent a small percentage of the overall cost of conducting the work. Payroll charging against special accounts is usually a small percentage of the cost of remediating Superfund sites ~~performing the work~~

In Feb. 2015, the Program~~s~~ conducted a comprehensive analysis of Region 8 NPL sites with special accounts. The analysis~~gram Managers~~:

1. Identified all the sites in Region 8 with special accounts.
2. Analyzed/reviewed actual FY14 special account site charging.

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Commented [BS1]: I'd like more clarity on who this is? The next paragraph references SRP, SSP and MOO, and it also references the Denver and Helena RPMs. It seems like you are referring to the same work in each of these instances.

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a. FY 2014 a~~A~~ctual site charging at these 27 sites totaled 21 FTE (i.e., in FY14, hours charged across the region totaled 21 FTE and could have had -payroll for their time paid by these special accounts).

3. Reviewed the future workload at each site and determined that 10 sites where special accounts exist had *5 years or more of intensive future work* and *available/projected future funding*. These 10 sites and the special accounts for these sites could support the salary for 9.5 ~~potential~~ FTE.
4. Included di~~The region di~~scussing~~ed~~ this approach with OSWER managers. The Programs ~~and~~ received their support to utilize special account funds for paying salary at the potential expense of funding extramural needs. OSWER indicated that t~~T~~he degree to which the region chooses to utilize special account funds for payroll is a regional decision.
5. The Programs met with TMS staff. TMS-FMP management believes that FMP can absorb the additional workload associated with tracking special account payroll charging if there is a limited number of special accounts being used for payroll. However, it is possible that TMS-FMP may need additional resources to support this activity.

Commented [BS3]: The parenthetical says "could have charged" which makes me think this was not actual charging

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Sites with greatest potential for Special Account Payroll Charging

Site Name	FTE	SA Type *	Comment
Rocky Mountain Arsenal	0.50	RE	This would be in addition to current 1.0 FTE
Anaconda Smelter	1.00	CO	5 -10 years of additional work
ACM/Great Falls Refinery	0.50	RE	10 + years of additional work
Kennecott (various OUs)	1.00	RE	5 - 10 years of additional work
Silver Bow Creek	2.00	CO	10 + years of additional work
Milltown Reservoir	0.50	CO	5 + years of additional work
Gilt Edge Mine	0.75	CO	10 + years of additional work
Libby Asbestos OU3	0.75	RE	10 + years of additional work
U.S. Magnesium	1.50	RE	10 + years of additional work
Lincoln Park/Cotter	1.00	RE	5 -10 years of additional work
	9.50		

* FTE = Based on an analysis of actual charging in 2014.

These FTE are less than the actual charging and are conservative estimates of potential FTE charging commitments that could be made.

** CO = Cash Out (one time cash settlement with responsible parties)

Salary dollars represent a small percentage of the overall cost of conducting the work. Payroll charging against cashout special accounts is widespread in other regions and will have small affect on the cashout settlement dollars ability to pay for remedial work.This approach is consistent with OSWER's emphasis on utilizing special accounts for near-term work.

* RE = Reimbursable (special accounts are replenished annually)

Salary dollars are replenished based upon previous year cost packages.

~~EPR-SR currently has 6 RPMs eligible for retirement and 8 RPMs eligible for retirement in the next 5 years. EPR-ER believes they have 3 OSCs eligible for retirement and at least 2 OCS eligible for retirement in the next 5 years. ENF-L has 1 known retirement in FY15. ENF-RC currently has 1 FTE working in the Seattle Office, that FTE will be lost to the region in FY15. And, all 4 FTE in TMS-QA are eligible for retirement.~~

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Commented [BS7]: Unclear why this language is here. These seem like overarching issues not directly related to the CO explanation.

Commented [BS8]: No direct relationship to the Special Account analysis.

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~~Site Name~~	~~FTE~~	~~SA Type *~~	~~Comment~~
~~Rocky Mountain Arsenal~~	~~0.50~~	~~RE~~	~~This would be in addition to current 1.0 FTE~~
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~~ACM/Great Falls Refinery~~	~~0.50~~	~~RE~~	~~10 + years of additional work~~
~~Kennecott (various OUs)~~	~~1.00~~	~~RE~~	~~5 – 10 years of additional work~~
~~Silver Bow Creek~~	~~2.00~~	~~CO~~	~~10 + years of additional work~~
~~Milltown Reservoir~~	~~0.50~~	~~CO~~	~~5 + years of additional work~~
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Summary and Next Steps

Based upon current site charging, Special Account reimbursable charging can support salary needs of 5.25 FTE above the region's Superfund FTE ceiling. These reimbursable accounts are expected to remain in place for between 5 and 10 years. Special Account Cashout funds could support salary for 4.25 additional FTE above the Region's SF FTE ceiling for between 5 and 10 years. Superfund reimbursable charging does not count against our regional Superfund ceiling. Consideration should be given to what specific PRC code may be freed up if staff begin charging

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Commented [BS13]: This is a new point so doesn't belong in the summary. If we include elsewhere in the document, need to explain it further. Also, I wonder whether the same statement holds true for SA cash outs?Perhaps it important point , movThis to special accounts. There are 12 Superfund PRC codes. We may have specific ceilings by PRC code which could limit flexibility in deploying Superfund resources to certain functions (e.g., if RPM charging was freed up through use of special account funds, that PRC code could not be used for Superfund enforcement charging.) ~~EPR-SR currently has 6 RPMs eligible for retirement and 8 RPMs eligible for retirement in the next 5 years. EPR-ER believes they have 3 OSCs eligible for retirement and at least 2 OCS eligible for retirement in the next 5 years. ENF-L has 1 known retirement in FY15. ENF-RC currently has 1 FTE working in the Seattle Office, that FTE will be lost to the region in FY15. And, all 4 FTE in TMS-QA are eligible for retirement.~~ Future attrition and retirement of staff in Superfund Programs may provide an opportunity to address salary and budget decreases while minimizing future overall budgetary risks.

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